

A.G. CONTRACT NO. 1430
£ NO. 83-660

PROJECT: X4040 ESA
SECTION: Globe Subdivision
Acquisition (Asbestos
Contamination)

INTERAGENCY AGREEMENT II

BETWEEN
ARIZONA DEPARTMENT OF TRANSPORTATION
AND
ARIZONA DIVISION OF EMERGENCY SERVICES

THIS AGREEMENT entered into this 1ST day of NOVEMBER, 1983
between the STATE OF ARIZONA, acting by and through its
DEPARTMENT OF TRANSPORTATION, hereinafter called "State", and
the DIVISION OF EMERGENCY SERVICES, hereinafter called
"Division";

WHEREAS, State is empowered by Section 28-114 Arizona Revised
Statutes to enter into this agreement and has by resolution, a
copy of which is attached hereto and made a part hereof, resolved
to enter into this agreement and the Director of the Arizona
Department of Transportation has delegated to the undersigned
the authority to execute same on behalf of the State; and

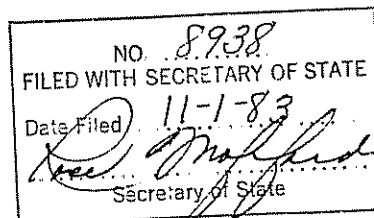
WHEREAS, Division is empowered by Section 26-306 Arizona Revised
Statutes to enter into this agreement and acting by and through
its Director, has, by resolution, a copy of which is attached
hereto and made a part hereof, resolved to enter into this
agreement and has authorized the undersigned to execute same on
behalf of Division; and

WHEREAS, Division is empowered under authority of the Cooperative
Agreement between the Federal Emergency Management Agency and
the Division of Emergency Services for permanent relocation of the
residents of Mountain View Mobile Home Estates, Globe, Arizona
to expend funds provided through the Comprehensive Environmental
Response, Compensation and Liability Act of 1980 and the Arizona
Governor's Emergency Proclamation dated May 11, 1983 and a
resolution of the Arizona State Emergency Council dated May 12, 1983,
90 percent of the funds will be provided by CERCLA and 10 percent
provided by Arizona as funded through the Division of Emergency
Services; and

WHEREAS, Division proposes to appraise and acquire certain
asbestos-contaminated properties in Globe, Arizona and relocate
the residents of said properties; and

WHEREAS, in order to expedite the process of acquiring the real
property ownership in said subdivision and relocating the residents
of same, State agrees to furnish acquisition and relocation
services to Division and Division agrees to reimburse State
for the value of said services in the manner set forth below.

THEREFORE, The Parties Hereto Agree as Follows:



STATE SHALL:

1. Assign one or more Right of Way Agents from its Right of Way Section to interview property owners, establish relocation benefits and finalize the acquisition process to and including opening an escrow on each acquisition parcel.
2. Maintain a log of working hours expended in furnishing said services and submit to Division, within 30 days after completion of said services, a bill setting forth the amount due State for said services.
3. Upon closing of said escrows, and upon request, deliver to Division for its files such copies of acquisition and relocation documents as may be required by Division.

DIVISION SHALL:

1. Deliver to State at its offices at 205 South 17th Avenue, Phoenix, for State's use a preliminary title report and appraisal report for each ownership in said subdivision.
2. Assist State's agents in interviews of property owners and in developing relocation amounts.
3. Within 30 days after receipt of the bill from State, remit to State the full amount of said bill. (It is agreed the bill for State's services shall be based on the number of man-hours required to complete said services at the hourly rate of pay normally paid by State to the Right of Way Agents assigned to the project plus State's regular allowance for employee travel expense.)
4. Institute condemnation proceedings on those parcels of land which cannot be secured through State's normal acquisition process.
5. Save and hold harmless State, or any of its departments, agencies, officers or employees for any sums which State, or any of its departments, agencies, officers or employees may be obligated to pay by reason of any liability imposed upon any of the above for injury or damage to persons or property caused by the fault or negligence of Division, its employees or agents.

This agreement shall remain in full force and effect until completion of said project as aforesaid; provided, however, that this agreement may be cancelled at any time prior to the commencement of work by State upon 30 days' written notice to the other party.

All parties hereto acknowledge that this agreement is subject to cancellation by the Governor pursuant to the provisions of Sections 38-511 Arizona Revised Statutes.


In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Section 12-1513 (B) and (C) of Arizona Revised Statutes as amended.


Attached hereto and incorporated herein by reference is a copy of State's resolution authorizing entry into this agreement, a copy of Division's resolution authorizing entry into this agreement, a copy of the written determination of the appropriate attorney that Division may lawfully enter into this agreement and said agreement is in proper form, and the Attorney General's acceptance as to form.

IN WITNESS WHEREOF, the parties have executed this agreement
the day and year first above written.

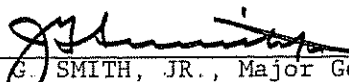
ARIZONA DIVISION OF
EMERGENCY SERVICES

STATE OF ARIZONA
DEPARTMENT OF TRANSPORTATION

BY: 
Title: Director

BY: 
W. O. Ford
Chief Deputy State Engineer

APPROVED BY:


J. G. SMITH, JR., Major General
Arizona National Guard
Adjutant General of Arizona

DATED: 27 Oct 83

PROJECT: X4040 ESA
SECTION: Asbestos Contaminated
Subdivision
Globe, AZ

RESOLUTION

BE IT RESOLVED on this 6th day of October, 1983,
that I, W. A. Ordway, as Director, ARIZONA DEPARTMENT OF
TRANSPORTATION, have determined that it is in the best interests
of the State of Arizona that the DEPARTMENT OF TRANSPORTATION,
acting by and through the Highways Division, enter into an
Interagency Agreement with the Arizona Division of Emergency
Services to provide acquisition and relocation services to
said Division in connection with its proposed acquisition of
the above-designated area.

Therefore, authorization is hereby given to draft said Agree-
ment which, upon completion, shall be submitted for approval
and execution by the Chief Deputy State Engineer.



W. A. Ordway, Director Arizona
Department of Transportation

RESOLUTION

BE IT RESOLVED on this 25th day of October, 1983, that I, Richard A. Colson, as Director of the Arizona Division of Emergency Services, have determined that it is in the best interests of the State of Arizona that the Division of Emergency Services, enter into an Interagency Agreement with the Arizona Department of Transportation, acting by and through its Highways Division, to provide acquisition and relocation services for the Division of Emergency Services in connection with the acquisition of the Mountain View Mobile Home Estates in Globe, Arizona.

Therefore, authorization is hereby given to draft said Agreement which, upon completion, shall be submitted for my approval.

Richard A. Colson

A handwritten signature in dark ink, appearing to read "Richard A. Colson", written in a cursive style.

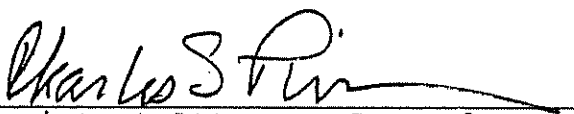
Director, Division of Emergency Services

ATTORNEY GENERAL
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

Pursuant to A.R.S. § 11-952, the foregoing agreement, being Attorney General Contract No. 1430, has been submitted to the Attorney General as the attorney for the Division of Emergency Services. The undersigned Assistant Attorney General has determined that said agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona to the Division of Emergency Services.

DATED this 21st day of October, 1983.

BOB CORBIN
Attorney General


Assistant Attorney General



OFFICE OF THE
Attorney General

TRANSPORTATION DIVISION
1275 WEST WASHINGTON
PHOENIX, ARIZONA 85007
(602) 255-1680

ROBERT K. CORBIN
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. 83-660, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. Sec. 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State or its agencies under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 31st day of October, 1983.

ROBERT K. CORBIN
Attorney General

Assistant Attorney General
Transportation Division